

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEPRACOR INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-113-*** (MPT)
	)	C.A. No. 06-604-*** (MPT)
	)	(Consolidated)
DEY, L.P. and DEY, INC.,	)	
	)	
Defendants.	)	

**STIPULATION TO AMEND THE AMENDED RULE 16 SCHEDULING ORDER  
FOR CONSOLIDATED CASES (AS PREVIOUSLY AMENDED)**

THE PARTIES HERETO STIPULATE AND AGREE, subject to the approval of the Court, that the Amended Rule 16 Scheduling Order for Consolidated Cases (D.I. 152), as previously amended (D.I. 173), is further amended as follows:

1. Paragraph 3(d) is amended to provide that all discovery in these cases shall be initiated so that it will be completed on or before December 14, 2007;
2. Paragraph 3(e) is amended to provide that rebuttal expert reports shall be served on or before October 18, 2007 and supplemental expert reports shall be served on or before November 8, 2007;
3. Paragraph 10 is amended to provide that case dispositive motions, opening briefs and affidavits, if any, in support of such motions shall be filed and served on or before January 23, 2008;
4. Paragraph 11 is amended to provide that the parties shall exchange a list of claim terms they contend require construction by the Court on or before November 15, 2007, and will file a Joint Claim Construction Chart on or before January 23, 2008; and

5. Paragraph 12 is amended to provide that the parties shall file simultaneous claim construction opening briefs on or before January 23, 2008, and shall file simultaneous claim construction answering briefs on or before February 6, 2008.

The genesis of this stipulation was a request by plaintiff Sepracor Inc. for an extension of the time for the service of rebuttal expert reports and certain other dates flowing therefrom. Although defendants Dey, Inc and Dey, L.P. continue to be troubled by the delays in this matter, Dey has agreed to this extension as a courtesy to Sepracor.

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*Attorneys for Defendants*

SO ORDERED this \_\_\_\_\_ day of September, 2007.

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United States Magistrate Judge